

JUL 31 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

TIESONG LI,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-72716

Agency No. A95-296-540

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006 ^{**}

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Tiesong Li, a native and citizen of China, petitions for review of the Board of Immigration Appeals' ("BIA") order affirming without opinion the Immigration Judge's ("IJ") order denying Li's applications for asylum, withholding of removal,

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

and protection under the Convention Against Torture (“CAT”). We have jurisdiction under 8 U.S.C. § 1252. We review the agency’s factual findings for substantial evidence, and reverse only if the evidence compels a contrary finding. *INS v. Elias-Zacarias*, 502 U.S. 478, 481 n.1 (1992). We deny the petition for review.

The IJ found Li’s testimony incredible based on inconsistencies between his testimony and declaration regarding the circumstances surrounding his arrest and detention for practicing Zhong Gong. The record does not compel a contrary finding. *See Li v. Ashcroft*, 378 F.3d 959, 964 (9th Cir. 2004) (stating that adverse credibility finding withstands review so long as one identified ground is supported and goes to the heart of the claims of persecution). Without providing credible testimony, Li has failed to establish eligibility for asylum or withholding of removal. *See Farah v. Ashcroft*, 348 F.3d 1153, 1156 (9th Cir. 2003).

The IJ denied CAT relief on the ground that Li was not credible and on the ground that the country report and background materials failed to establish his eligibility. The record does not compel a contrary finding. *See* 8 C.F.R. § 1208.16(c)(2).

PETITION FOR REVIEW DENIED.